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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,424	06/26/2001	Hsiang-Yu Chiang	CHIA3024/EM/6928	9493
23364	7590	12/29/2004	EXAMINER CHO, HONG SOL	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,424

Applicant(s)

CHIANG, HSIANG-YU

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, lines 15-16, recite, "said call agent's IP address; and the IP address of the DNS server of said call agent". It is not clear if said DNS server is located in the said call agent with the same IP address or said DNS server is standalone device with different IP address than said call agent.

Claims 3-4 are rejected because they depend on claim 2.

For the purpose of examination, it is understood that the DNS server is located in the call agent. Therefore, there exists only one same IP address for the call agent and the DNS server.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lee et al (US 6546002), hereinafter referred to as Lee.

Re claims 1 and 5, Lee discloses an IP phone communicating to an IP phone switch via Internet and sending the MAC address upon boot up and getting an IP address (*receiving setting data*), determined by the set registration process (*the call agent searches the setting data of the VOIP device*), from an IP phone switch by using DHCP (*VOIP device sends MAC address to a call agent subject to DHCP installed in VOIP device after connection of the VOIP device to the Internet, requesting for the related setting data of the VOIP device at the call agent*, page 1, paragraph 0018, lines 3-6; paragraph 0021, lines 1-2; page 2, paragraph 0021, lines 7-10).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Fangman et al, hereinafter referred to as Fangman.

Re claim 2, Lee discloses getting the IP address and the set type through DHCP service (*VOIP device's IP address and identifier*, page 2, paragraph 0024, lines 17-20). Lee fails to teach getting the IP address of the DNS server of said call agent. However, Fangman discloses a service gateway providing requested IP address through DHCP service. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee's IP phone switch to have standard DHCP option of providing requested IP address.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Fangman and further in view of Criss et al (US 6643506), hereinafter referred to as Criss.

Re claims 3 and 4, Lee fails to teach getting TFTP filename and the TFTP server's IP address of said VOIP device in order to download upgraded edition of the driver software. Fangman discloses issuing a read request to TFTP for the operational software (*getting TFTP filename and the TFTP server's IP address of said VOIP device in order to download upgraded edition of the driver software*, page 2, paragraph 0018, lines 9-12). Lee and Fangman fail to disclose determining if it is necessary to download the upgraded driver software installed in the TFTP server and download the upgraded driver software when required. However, Criss discloses downloading the latest software from the FTP

server when it is determined that the FTP server has the latest version of the operating software. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee and Fangman to have function of determining whether a version of operating software stored in the VOIP device is a current version of the operating software and updating if required to provide the latest features of VOIP services.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

Re claim 6, Lee does not teach using BOOTP in assigning IP address. However, it is well known that BOOTP and DHCP are interchangeable network IP management protocols used in assigning IP address. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee to use BOOTP in assigning IP address since BOOTP and DHCP are interchangeable network IP management protocols used in assigning IP address.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - US Patent (6775273) to Kung et al disclose simplified IP service control
  - US Patent (6768722) to Katseff et al disclose managing multiple communications with a user communication device

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho  
Patent Examiner  
12-24-2004



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